

Information in follow-up reports

The bill provides that any written, follow-up report requested by a public children services agency (PCSA) or municipal or county peace officer may include any medical examinations, tests, or procedures regarding the child reported to be abused or neglected or the child's siblings or other children. Under current law, the written report must include the names and addresses of the child and child's parents or the person having custody of the child, if known; the child's age and nature of the child's injuries, abuse, or neglect; and any other information that would be helpful in establishing the cause of the injury, abuse, or neglect. The bill requires that any additional reports of medical examinations, tests, or procedures by a mandatory reporter that become available after initial reports were provided must be provided to the PCSA upon its request. The Ohio Children's Hospital Association anticipates that this provision will have no fiscal impact.

Medical examinations, tests, procedures, and other actions

The bill provides that a mandatory reporter, after making a report, if medically necessary for diagnosing or treating injuries that are suspected to have occurred as a result of abuse or neglect, may perform or cause to be performed radiological examinations and any other medical examinations of, and tests or procedures on, the child. The bill also requires the results of such tests to be included in the child abuse report required by the professional. Under current law, a mandatory reporter may only do the following: (1) take or order color photographs of areas of visible trauma on the child and (2) if medically indicated, cause to be performed radiological examinations on the child.

The bill adds that a health care professional may conduct medical examinations, tests, or procedures on the siblings of, or other children who reside in the same home as, a child who is the subject of a mandatory report. These examinations may be conducted if the professional determines that they are medically necessary to diagnose or treat the siblings or other children in order to determine whether mandatory reports are required for the siblings or other children. The results of these examinations, tests, or procedures may be included in a report about the child who is the subject of the mandatory report.

The bill adds that a health care professional that provides health care services in a hospital, children's advocacy center, or emergency medical facility to a child who is the subject of a mandatory report may take any steps reasonably necessary to release or discharge the child to an appropriate environment. The bill provides that a health care professional's ability to discharge a child who is the subject of a mandatory report does not alter the responsibilities of any person under Ohio's laws for filing a complaint involving a child in juvenile court or taking a child into custody.

According to the Ohio Children's Hospital Association, these provisions are codifying current best practice standards. As such, there should be no fiscal impact associated with these provisions.

Immunity from civil or criminal liability

The bill provides that any person, health care professional, hospital, institution, school, health department, or agency is immune from civil or criminal liability for injury, death, or loss to person or property in certain situations regarding mandatory reporting outlined under the bill. The bill excludes health care providers from the bill's immunity provisions if the provider, when participating in medical examinations, tests, or procedures regarding a child abuse or neglect report, deviates from the standard of care applicable to the provider's profession.

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